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August 10, 2005

VIA FAX – (601) 352-7757
and FEDERAL EXPRESS
Ms. Betty Mallett
McGlinchey Stafford PLLC
City Centre, Suite 1100
200 South Lamar Street
Jackson, MS 39201

Re: *Olivia Y., et al. v. Barbour, et al.*

Dear Ms. Mallett:

I am in receipt of your letter sent last night regarding our request that you make John A. available for examination by one of plaintiffs' testifying experts, Dr. Wood Hiatt.

Your response indicates that you have forwarded my correspondence to DHS and that John A.'s caseworker needs to consult with his doctor about Dr. Hiatt's psychiatric examination. However, you offer no indication of when you would have a response from DHS. You have been aware of this request for ten days, and as we indicated in prior correspondence, time is of the essence given the court's deadlines for expert reports.

Please let me know by Friday, **August 12, 2005 at 12:00 noon Central Daylight Time** whether you will agree to give Plaintiffs' Counsel and their testifying expert access to our client without court intervention. A Good Faith Certificate is enclosed for your signature. Please sign and return if you will not or cannot agree to provide us access to our client by that date and time.

Feel free to contact me if you have any further questions.

Sincerely,

Susan Lambiase
Plaintiffs' counsel

Enclosure

cc: Wayne Drinkwater & Melody McAnally, Bradley Arant
Stephen Leech, Esq.
John Lang, Loeb & Loeb

Exhibit
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IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION

OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

GOOD FAITH CERTIFICATE

All counsel certify that they have conferred in good faith to resolve the issues in question and that it is necessary to file the following motion:

Plaintiffs' Expedited Motion for a Rule 35(a) Order Requiring Defendants to Produce Named Plaintiff John A. for Mental Examination

Counsel further certify that:

___ 1. The motion is unopposed by all parties.

___ 2. The motion is unopposed by:

 x 3. The motion is opposed by: DEFENDANTS

___ 4. The parties agree that replies and rebuttals to the motion shall be submitted to the magistrate judge in accordance with the time limitations stated in Uniform Local Rule 7.2

THIS, the ___ day of August, 2005.

SUSAN LAMBIASE (MSB # 43992 *pro hac vice*)
Counsel for Plaintiffs

BETTY A. MALLETT (MSB #8867)
Counsel for Defendants